

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

| | | |
|------------------------------------|---|-----------------------|
| Chris Mason, |) | |
| |) | |
| Plaintiff, |) | ORDER |
| |) | |
| vs. |) | |
| |) | |
| |) | |
| Focus Receivables Management, LLC, |) | |
| a Georgia company, d/b/a Focus, |) | |
| |) | Case No.: 1:08-cv-036 |
| Defendant. |) | |

The court attempted to initiate the Rule 16(b) scheduling conference via telephone as scheduled on May 28, 2008, at 9:00 a.m. It was unable to contact the Plaintiff, however. The scheduling conference shall therefore rescheduled for June 20, 2008, at 9:00 a.m. The conference shall be conducted telephone conference call to be initiated by the court.

In preparation for the conference, counsel are directed to confer in accordance with Rule 26(f) of the Federal Rules of Civil Procedure. Plaintiff's counsel shall submit to the magistrate judge a joint proposed scheduling/discovery plan that reflects the Rule 26(f) discussions and includes at least those items listed in the Scheduling Plan which can be found on the court's website at: <<http://www.ndd.uscourts.gov/forms.html>> Counsel shall confer, complete and prepare the form, obtain the appropriate signatures, and e-mail the document in "**WordPerfect**" or in "**Word**" format **NO LATER THAN TWO BUSINESS DAYS PRIOR TO THE CONFERENCE** to the following e-mail address <ndd_J-Miller@ndd.uscourts.gov> Any disagreements among counsel shall be addressed at the scheduling conference. Failure by Plaintiff's counsel to submit a proposed

scheduling/discovery plan as directed may result in the dismissal of the above-entitled action without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated this 28th day of May, 2008.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court